

## **REMARKS**

Applicants appreciate the Office's review of the present application. In response to the Office Action, the cited references have been reviewed, and the rejections and objections made to the claims by the Examiner have been considered.

In order to place the application in condition for allowance, or alternately in better condition for appeal, claims 28-29 have been canceled. Applicants therefore respectfully request entry of this amendment.

Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

### **Rejections**

#### **Rejection Under 35USC §112 Second Paragraph**

Claims 1-29 have been rejected under 35 USC §112, paragraph 2, as failing to set forth the subject matter which the Applicants regard as their invention. In response, each of the Examiner's stated reasons have been addressed in the foregoing claim amendments and are briefly summarized below.

The Office states that claims 1, 9, 15, and 23 fail to correspond in scope with that which Applicants regard as their invention because “[i]n the applicant's specification, applicant has stated in Fig. 3 items 110 and 112 that the virtual driver launches an agent and that the agent queries for a printer list and this statement indicates that the invention is different from what is defined in the claim(s) because the claims state that the general printer driver (i.e. the virtual driver), not the agent, is configured to transmit a query for the available printers” (Final Office Action, p.3; emphasis in original).

Applicants disagree. The claims (e.g. claim 1) recite the limitation that “the general printer driver is configured to initiate the transmitting when selected as the destination printer”.

As stated in the specification,

"[T]he virtual driver 60 launches the printing agent 58. Therefore, the virtual driver 60 is used as a means to launch the printing agent 58. This arrangement is used to bypass algorithms contained in many operating systems 54 that may preclude the launching of the printing agent 58 directly from the application 56, especially after the print command is selected. However, in an alternative embodiment of the present invention, the printing agent 58 is launched directly by the user.

Thereafter, in box 112 and identified in FIG. 2 as event D, the printing agent 56 queries the agent handler 66 for an identification of the printers available to the client computer 12." (specification, p.10, lines 20-33)

The claims do not recite that the general printer driver 60 performs the transmitting, but rather that it initiates the transmitting. The general printer driver 60 initiates the transmitting by launching the printing agent 58 which queries the agent handler 66. As such, Applicants respectfully believe that claims 1, 9, 15, and 23 do not fail to correspond in scope with that which Applicants regard as their invention. Accordingly, the rejections under 35 USC §112, paragraph 2, are improper and should be withdrawn.

#### Rejection Under 35USC §103

Claims 1-3, 6-10, 13-17, 20-23, and 25-29 have been rejected under 35 USC §103(a), as being unpatentable over U.S. patent application publication 2002/0163665 to Iwata et al. ("Iwata"). Applicants respectfully traverse the rejection and request reconsideration.

As to a rejection under §103(a), the U.S. Patent and Trademark Office ("USPTO") has the burden under §103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. See In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure.

The rejection of independent claim 1, and its dependent claims 2-3 and 6-8, is respectfully traversed for at least the following reasons. Claim 1 recites:

“1. (Previously presented) A method of determining information regarding at least one printer available to receive a print job from a client computer, comprising:  
calling a general printer driver directly from an application executed by the client computer;

transmitting a query from the client computer to a server via a network for an identification of the at least one available printer;

receiving an identification of the at least one available printer from the server;  
downloading a file from the server used to support printing to a selected one of the at least one available printer; and

wherein the general printer driver is accessible as a destination printer in a print menu, and wherein the general printer driver is configured to initiate the transmitting when selected as the destination printer.” (emphasis added)

The Office has not established a *prima facie* case of obviousness at least because the applied references do not teach or suggest all of Applicant's claim limitations.

To begin with, the Iwata reference is directed to a completely different problem than Applicants' invention. The Iwata reference describes “a technique of outputting print data of interest, which are to be printed, to multiple printers in a distributive manner” (para. [0001]; emphasis added). As such,

“where one information processing apparatus connects with multiple printers, print data generated by the information processing apparatus may be output to the respective printers in a distributive manner. When there is a large mass of print data, it takes an undesirably long time to complete printing with only one printer. Output of the print data to multiple printers in a distributive manner desirably shortens the total time required for printing.” (para [0002]; emphasis added)

The present invention, conversely, is directed to “a system and method for discovering printers and installing printer driver software” (p.1, lines 6-7). Stored on a memory 48 of a server 14 are “printer specific files 68 including printer drivers, printer specific PPD files and so forth that are transferred to the client computer 12 on an as needed basis to enable the client computer 12 to print to a selected one of the network printers 16a-16n and/or a local printer 44 connected directly to the client computer 12” (p.8, lines 15-18; Figs. 1-2; emphasis added). As recited in claim 1, a file used to support printing to a selected one of the at least one available printer is downloaded from the server.

There is no disclosure in the Iwata reference that a file used to support printing to a selected one of the at least one available printer is downloaded from the server. The Office states that Iwata, para [0258], teaches that the virtual printer driver can be downloaded from a network server (Final Office Action, p.4). The Office also equates the virtual printer driver of the Iwata reference to the general printer driver of claim 1. However, the file used to support printing to the selected printer is a different element of claim 1 from the virtual printer driver (i.e. general printer driver), and thus downloading the virtual printer driver does not teach or suggest downloading a file different from the virtual printer driver. In the Iwata reference, the files used to support printing to the selected printer are the real printer drivers 130,140,150. However, there is no teaching or suggestion in the Iwata reference that any of real printer drivers 130,140,150 are downloaded from a server.

Furthermore, a complete construction of the limitations of claim 1 requires that the file used to support printing to the selected printer be downloaded from the server after the selected printer is chosen from at least one available printer identified by the server in response to a query initiated by the general printer driver and transmitted from the client computer to the server when the general printer driver is selected as the destination printer in a print menu of an application. However, the Iwata reference does not teach the downloading from a server of any file, much less a real printer driver 130,140,150, in the manner recited in claim 1. For example, with regard to downloading the virtual printer driver, the Iwata reference teaches only that

“The virtual printer driver 110 may be program data, which are downloaded from a specific server connecting with an external computer network (for example, the Internet) via the computer network and transferred to either the RAM 32 or the HDD 41.” (para. [0258])

Instead, claim 1 recites that the general printer driver initiates the transmitting of the query that is a prerequisite to downloading the file. Such an operation clearly would be impossible if the general printer driver (i.e. virtual printer driver) itself has not yet been downloaded from the server.

Applicants respectfully traverse the Office’s assertion that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the claimed features of Applicants’ invention. Such could be possible only in hindsight and in light of Applicants’ teachings. Therefore, the rejection is improper at least for that reason and should be withdrawn.

Independent claims 9, 15, and 23 each recite limitations similar to those of claim 1, discussed above, and were rejected by the Office on the same basis as claim 1. For similar reasons as explained heretofore with regard to claim 1, the features of the present invention are not taught or suggested by the cited reference. Applicants respectfully traverse the Office’s assertion that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the claimed features of Applicants’ invention. Such could be possible only in hindsight and in light of Applicants’ teachings. Therefore, the rejection of independent claims 9, 15, and 23, and their corresponding dependent claims 10, 13-14, 16-17, 20-22, and 25-27, is improper at least for that reason and should be withdrawn.

Claims 4-5, 11-12, 18-19, and 24 have been rejected under 35 USC §103(a), as being unpatentable over U.S. patent application publication 2002/0163665 to Iwata et al. (“Iwata”) in view of U.S. patent 5,580,177 to Gase et al. (“Gase”). Applicants respectfully traverse the rejection and request reconsideration based on the dependence of these claims on one of

independent claims 1, 9, 15, and 23, whose reasons for allowability over the Iwate reference have been discussed heretofore and against which the Gase reference has not been cited.

**Conclusion**

Attorney for Applicant(s) has reviewed each one of the cited references made of record and not relied upon, and believes that the claims presently on file in the subject application patentably distinguish thereover, either taken alone or in combination with one another.

Therefore, all claims presently on file in the subject application are in condition for immediate allowance, and such action is respectfully requested. If it is felt for any reason that direct communication with Applicant's attorney would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned Robert C. Sismilich, Esq. at the below-listed telephone number.

**AUTHORIZATION TO PAY AND PETITION  
FOR THE ACCEPTANCE OF ANY NECESSARY FEES**

If any charges or fees must be paid in connection with the foregoing communication (including but not limited to the payment of an extension fee or issue fees), or if any overpayment is to be refunded in connection with the above-identified application, any such charges or fees, or any such overpayment, may be respectively paid out of, or into, the Deposit Account No. 08-2025 of Hewlett-Packard Company. If any such payment also requires Petition or Extension Request, please construe this authorization to pay as the necessary Petition or Request which is required to accompany the payment.

Respectfully submitted,



Robert C. Sismilich  
Reg. No. 41,314  
Attorney for Applicant(s)  
Telephone: (858) 547-9803

Date: 5/15/06

Hewlett-Packard Company  
Intellectual Property Administration  
P. O. Box 272400  
Fort Collins, CO 80527-2400